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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/751,186

01/02/2004

Patrick Ayoub

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EXAMINER

VANTERPOOL, LESTER L

ART UNIT

PAPER NUMBER

3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/751,186

Applicant(s)

AYOUB, PATRICK

Examiner

Lester L. Vanterpool

Art Unit

3782

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on December 08, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lobanoff (U.S. Patent Number 7028872 B2) in view of Dixon (U.S. Patent Number 5713502).  
Lobanoff discloses the front cross car bar (10) (See Figures 4, 8 – 10, 12, 17, 24, 25 27 & 29) and the back cross car bar (10) (See Figures 4, 8 – 10, 12, 17, 24, 25 27 & 29) each of which is adapted to extend across the trunk space (17) (See Figures 1 – 3 & 5); the pair of front recesses (26) (See Figure 10) and the pair of back recesses (26) (See Figure 10) each pair of which being located at respective opposite sides of the trunk space (18c) (See Figure 9) (See Column 9, lines 58 – 67), wherein the pair of front recesses (26) support respective opposite ends of the front cross car bar (10) (See Figure 10) and the pair of back recesses (26) support respective opposite ends of the back cross car bar (10) and the front (10) and back cross car bars (10) are respectively removably supported by the pairs of front (26) and back (26) recesses (See Figures 9 – 11) (See Column 9, lines 58 – 67); and

at least one storage container (9) (See Figures 2, 4, 5, 9 & 24) removably supported by the front (10) and back (10) cross car bars (See Figure 9) , wherein the storage container (9) fits over the front (10) and back (10) cross car bars so as to be supported by the front (10) and back (10) cross car bars (See Column 8, lines 16 – 19) (See Figures 8 & 9), both of the front (10) and back (10) cross car bars are adapted to be stowed (2) in either of the pairs of front (26) and back (26) recesses (See Column 9, lines 58 – 67) (See Figures 8 – 11) when the trunk space storage system is not needed (See Column 8, lines 4 – 9) (See Figure 6).

However, Lobanoff does not disclose the length of each of the front and back cross car bars can be adjusted.

Dixon teaches the length of each of the front (30) and back (30) cross bars can be adjusted (See Column 2, lines 32 – 37) (See Figure 3) for the purpose of providing flexibility to accommodate various vehicle sizes and shapes.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the length of each of the front and back cross bars can be adjusted as taught by Dixon with the trunk space storage system of Lobanoff in order to enhance reliable fitting with various vehicles.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues Lobanoff (U.S. Patent Number 7028872) fails to disclose or suggest:

1. The trunk space storage system in which at least one storage container of the system fits over front and back cross car bars of the system so as to be supported by the front and back cross car bars.

Labanoff discloses the truck storage system (See Figures 1 – 3, 9 & 10) in which at least one storage container (9 & 9C) of the system fits over the front and back cross bars (10C) (See Figures 8 & 9) of the system so as to be supported by the front and back car bars (10C) (See Figures 8, 9, 12 & 17).

2. The trunk space storage system in which both of the front and back cross car bars are adapted to be stowed in either of pairs of front and back recesses when the trunk space storage system is not needed.

Labanoff discloses the trunk space storage system in which both of the front and back car bars (10C) are adapted to be stowed in either of the pair of front and back recesses (26) (See Figure 10) when the truck spaces is not needed (See Figures 10 & 11).

3. The trunk space storage system in which the length of each of the front and back cross car bars can be adjusted.

Labanoff does not disclose the trunk space storage system in which the length of each of the front and back cross car bars can be adjusted.

However, Dixon (U.S. Patent Number 5713502) discloses the trunk space storage system (See Abstract) in which the length of each of the front (30) and back (30) cross bars can be adjusted (See Figure 1 & 2). The front (30) and back (30) cross bars can be collapsed to reduce the amount of storage space and the front (30) and back (30) cross bars can also telescope to increase storage space capacity (See Column 2, lines 62 – 64) (See Figures 1 & 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the length of each of the front and back cross bars can be adjusted as taught by Dixon with the trunk space storage system of Lobanoff in order to enhance reliable fitting with various vehicles.

Secondly, Dixon also discloses the trunk space storage system in which at least one storage container of the system fits over (26) the front (30) and back (30) cross bars (See Figures 1 & 2).

Furthermore, applicant recites arguments addressing the combination of Labanoff (U.S. Patent Number 7028872) in view of Dixon (U.S. Patent Number 5713502) on page. Applicant argues that the combination of Labanoff and Dixon does not disclose:

1. The trunk space storage system in which at least one storage container of the system fits over front and back cross car bars of the system so as to be supported by the front and back cross car bar, both of the front and back cross car bars are adapted to be stowed in either of pairs of front and back recesses when the trunk space storage system is not needed, and the length of each of the front and back cross car bars can be adjusted.

Labanoff discloses the truck space storage system in which at least one storage container (9) of the system fits over the front and back cross car bars (10C) (See Figure 9) *{the storage bag (9) covers the cross bar rods (10C)}* in Figure 9, both of the front and back cross car bars (10C) are adapted to be stowed in either of pairs of front and back recesses (See Figure 11) *{both cross bars are combined and stowed in one pair of recesses (26)}* when the trunk space storage system is not needed.

The only deficiency Labanoff does not disclosed based on claim 1, is: Labanoff does not disclose the length of each of the front and back cross car bars can be adjusted.

Therefore, to disclose the amended claim 1 language, the Dixon reference is used to teach that the length of each of the front and back cross car bars (30) can be adjusted (See Figure 2).

Therefore, the cross car bars (30) of Dixon can be substituted with the cross bars (10C) of Labanoff and the combination of the Labanoff in view of Dixon will disclose the suggested trunk space storage system described in the amended claim language filed on December 8, 2006.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the



requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLV

LLV

  
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